

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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WILLIAM DAVIDSON,

Plaintiff,

vs

8:10-CV-1397

ADVISORY OF CIVIL (THE COURT) N.Y.C.  
TO CAUSE PREJUDICE,

Defendant.

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APPEARANCES:

WILLIAM DAVIDSON
Plaintiff, Pro Se
07-A-48793216
Clinton Correctional Facility
PO Box 2002
Dannemora, NY 12920

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, William Davidson, commenced this civil rights action in November 2010, pursuant to 42 U.S.C. § 1983. By Report-Recommendation dated December 22, 2010, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the action be dismissed due to plaintiff's failure to comply with Fed. R. Civ. P. 8 and 10; and further that plaintiff be afforded an opportunity to amend his complaint consistent with the instructions given in the Report-Recommendation. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the file, and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in all respects. See 28 U.S.C. 636(b)(1).

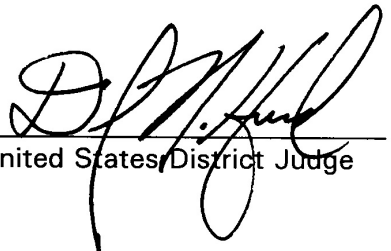
Accordingly, it is

ORDERED that

1. The action is DISMISSED; however
2. Plaintiff is afforded the opportunity to amend his complaint within thirty (30) days of the date of this order. The amended complaint must be consistent with the instructions given in the Report-Recommendation, must comply with Rules 8 and 10 of Fed. R. Civ. P. and any other terms the court deems proper. Plaintiff must also allege claims of misconduct or wrongdoing against defendant that he has a legal right to pursue and over which this court has jurisdiction;
3. In the event plaintiff chooses not to file an amended complaint within thirty (30) days of the date of this order, the complaint will be DISMISSED in its entirety without further order of this court; and
4. The Clerk is directed to serve the plaintiff with a copy of this order.

IT IS SO ORDERED.

Dated: January 6, 2011
Utica, New York.


United States District Judge